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Ramabadran S. Raghavan

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FLETCHER YODER (LUCENT)  
P.O. BOX 692289  
HOUSTON, TX 77069

EXAMINER

AJIBADE AKONAI, OLUMIDE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RAMABADRAN S. RAGHAVAN and VIVEK KANSAL

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Appeal 2009-003131  
Application 10/628,660  
Technology Center 2600

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Decided: December 31, 2009

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Before JOSEPH F. RUGGIERO, MAHSHID D. SAADAT,  
and CARL W. WHITEHEAD, JR., *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-22, 24, and 25. Claim 23 has been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

### STATEMENT OF THE CASE

Appellants' invention relates to a wireless communications system that includes a transceiver unit having a communications interface to facilitate communication between the transceiver and an access network unit over an undedicated public network. (Spec. 6:10-13.)

Independent claim 1 is illustrative of the invention and reads as follows:

1. A transceiver unit for use with a wireless communications system, the transceiver unit comprising:
  - an antenna configured to receive a wireless transmission from a mobile device; and
  - a communication interface, coupled to the antenna, and configured to facilitate communication between the transceiver and an access network unit over an undedicated public network, wherein the communication between the transceiver and the access network unit is independent of a dedicated connection.

The Examiner relies on the following prior art references in rejecting the claims:

Ketonen	US 6,104,917	Aug. 15, 2000
Hata	US 2002/0098845 A1	Jul. 25, 2002
Kowalski	US 6,631,410 B1	Oct. 7, 2003 (filed Mar. 16, 2000)
Chen	US 2003/0211859 A1	Nov. 13, 2003 (filed May 8, 2002)
Onweller	US 6,931,102 B2	Aug. 16, 2005 (filed Aug. 15, 2002)

Carl G. Eilers & Gary Sgrignoli, *Reradiation (Echo) Analysis of a Tapered Tower Section Supporting a Side-Mounted DTV Broadcast Antenna and the Corresponding Azimuth Pattern*, 47 IEEE TRANSACTIONS ON BROADCASTING 249 (2001).

Claims 1-5, 8-11, 17-21, 24, and 25 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Chen in view of Hata.

Claims 6 and 7 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Chen, Hata, and Kowalski.

Claims 12-14 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Chen, Hata, and Eilers.

Claims 15 and 16 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Chen, Hata, and Ketonen.

Claim 22 stands rejected as being unpatentable under 35 U.S.C. § 103(a) over Chen, Hata, and Onweller.

Rather than repeat the arguments here, we make reference to the Briefs and the Answer<sup>1</sup> for the respective positions of Appellants and the Examiner.

### ISSUE

The issue is whether Appellants have shown error in the Examiner's position that under 35 U.S.C. § 103, the combination of Chen and Hata teaches or suggests the claimed subject matter. Specifically, Appellants and the Examiner disagree as to whether the combination discloses a transceiver having a communication interface configured to facilitate communication

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<sup>1</sup> We refer to the Appeal Brief filed September 4, 2007, the Reply Brief filed March 28, 2008, and the Answer mailed January 23, 2008.

between the transceiver and an access network unit that is independent of a dedicated connection.

## FINDINGS OF FACT

1. Appellants describe the claimed “access network unit” as follows:

In this embodiment, the access network unit 12 includes an access network controller 18 and a transceiver server 20. The access network controller 18 *provides the call processing and control functions of the access network unit 12*, and the transceiver server *provides the server functionality to identify the correct transceiver unit 14 and to provide connectivity to the various distributed transceiver units 14 via the public network 16*. Indeed, both the transceiver server 20 and the transceiver unit 14 possess the capability to meet the connectivity requirements to route information, i.e., voice and/or data, via the public network 16. Examples of protocol used for such connectivity are described below in reference to Fig. 3.

(Spec. 8:22–9:6 (emphases added).)

Whereas a single access network unit 12 may support multiple technologies, e.g., TDMA, CDMA, and GSM, a separate transceiver unit 14A-E may be dedicated for each technology supported by the access network unit 12. In this example, the access network controller 18 contained within the access network unit 12 may provide a common platform to support these multiple technologies. The transceiver server 20 in the access network unit 12 may route the different technologies to the correct transceiver unit 14A-E using the public network 16 as the distribution media.

(Spec. 10:1-7.)

2. Chen relates to multicasting media to a group of target communication devices in a wireless communication network. (Abstract; ¶ [0006].)

3. As depicted in Figure 1 of Chen, each communication device registers its IP address with the group call server 102 and may have IP connectivity to the server 102 through the Internet Protocol (IP) network 108. (¶ [0019].)

3. Chen also discloses that the base station 204 may receive registration information and status information from the mobile station 206. (¶ [0025].)

4. As shown in Figure 3 of Chen, a group call server 308 allows interaction between a user with a group of other users. (¶¶ [0028]-[0029].)

5. Hata relates to mobile communication devices coupled to an external device having a short-distance wireless communication function and a server on a network. (¶ [0002].)

6. As shown in Figure 1 of Hata, mobile terminal 101 is coupled to a server 102 and a cash register 103 as parts of a single service-providing entity via a wireless base station 104 and the Internet (¶ [0040]) or via another type of network such as intranet (¶ [0041]).

## PRINCIPLES OF LAW

### *1. Scope of Claims*

During patent examination, the pending claims must be given their broadest reasonable interpretation “‘consistent with the specification.’” *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). “[T]he words of a claim ‘are generally given their

ordinary and customary meaning.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)). Furthermore, the specification is the single best guide to the meaning of a claim term. *Id.* at 1315.

## 2. Obviousness

Section 103 forbids issuance of a patent when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”

*KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007).

## ANALYSIS

In rejecting independent claims 1, 17, and 20, the Examiner characterizes (Ans. 3) the base station 204 of Chen as the claimed transceiver unit and asserts (*id.* at 4) that the claimed communication between the transceiver and an access network unit is met by Chen’s group call server 102. The Examiner further relies (*id.*) on the server 102 in Hata to meet the claimed access network unit communicating with the transceiver unit, shown as the base station 104 in Hata, via a network that is independent of a dedicated connection. The Examiner concludes (*id.*) that the combination of Chen and Hata would have been obvious to one of ordinary skill in the art because the combination provides “the benefit of providing a means for a mobile device to exchange data with a server.”

We disagree with the Examiner’s characterization of the server 102 in Hata as the access network unit, recited in claims 1 and 20, or as containing the software program for facilitating communication, recited in claim 17. As

asserted by Appellants (App. Br. 14-15), the server 102 in Hata is clearly identified as a server that provides normal server functions (FFs 5-6), not the call processing and control functions required by the claimed access network unit or the related software (FF 1). The only function identified in Hata for server 102 is communication with the mobile device in connection with the cash register 103 (FF 6).

We also agree with Appellants (App. Br. 15) that the wireless base station 104 of Hata is not the same as the claimed transceiver. Contrary to the Examiner's assertion that Hata is relied on to show the functionality of an undedicated network connection between a transceiver unit and an access network unit or server (Ans. 15), we observe that the elements identified in Hata do not represent a transceiver and an access network unit. As argued by Appellants (Reply Br. 4), the server 102 in Hata is "an end point and originator of data" and is not involved in any call processing or control functions. Similarly, we agree with Appellants (*id.* at 6) that the communication between the base station 104 and the mobile terminal 101 in Hata cannot meet the claimed requirement because such communication is over a wireless communication link which cannot be considered the same as being "independent of a dedicated connection."

Giving the broadest reasonable interpretation in light of the Specification to the claim term without importing limitations, we find the Examiner's reading of the claimed access network unit or the software for facilitating communication on the server 102 of Hata to be unreasonable. While Chen describes a group of devices interacting with the group call server 308 (FFs 2-4), the Examiner has pointed to no teaching in Chen that would suggest any connection other than a dedicated one. In fact, the



Examiner has not explained why communication between such a server and the mobile device 101 via the base station 104 may be applied to communication between a transceiver and an access network unit, as claimed, or to the communication between the base station 204 and the group call server 102 in Chen.

### CONCLUSION

Therefore, we agree with Appellants that, since Hata does not provide a transceiver having a communication interface configured to facilitate communication between the transceiver and an access network unit, or a base station and a controller, that is independent of a dedicated connection, the proposed combination fails to render obvious claims 1, 17, and 20, as well as claims 2-5, 8-11, 18, 19, 21, 24, and 25, dependent thereon. We also agree with Appellants' arguments regarding the remaining claims (App. Br. 18-21), that the other applied references provide no teachings to cure the deficiencies of the Chen/Hata combination as discussed above. Therefore, in view of our analysis above, the 35 U.S.C. § 103 rejections of claims 1-22, 24, and 25 cannot be sustained.

### ORDER

The decision of the Examiner rejecting claims 1-22, 24, and 25 under 35 U.S.C. § 103 is reversed.

### REVERSED

Appeal 2009-003131  
Application 10/628,660

babc

FLETCHER YODER (LUCENT)  
P.O. BOX 692289  
HOUSTON, TX 77069